

### **III. REMARKS**

Claims 1-38 are pending. Claims 18, 27 and 37 have been amended without prejudice.

#### **A. Double Patenting Rejection**

In the Office Action, the Examiner rejected claims 1-38 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,733,783 B2.

In response, Applicants respectfully submit a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) to overcome the double patenting rejection.

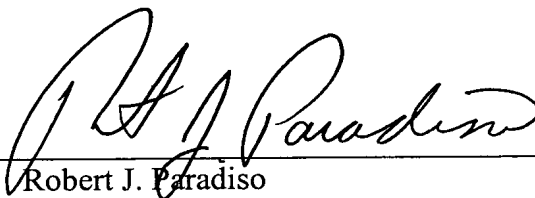
Applicants note that the obviation of an obvious-type double patenting rejection by the filing of a terminal disclaimer is not an admission, acquiescence, or estoppel on the merits of an issue of obviousness. *See Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 873-74, 20 U.S.P.Q.2d 1392, 1394-95 (Fed. Cir. 1991).

**IV. CONCLUSION**

It is respectfully submitted that the application is in condition for allowance. An early an favorable action on the merits is earnestly solicited.

Applicants hereby authorize the Commissioner to charge the \$130.00 fee under 37 C.F.R. § 1.20(d) to our Deposit account number 50-0552.

Respectfully submitted,  
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